



01/17/6

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Volker BACHMANN, Mario STEINBORN,  
Serial no. : Rudolf KALTHOFF and Robert Anthony SAYMAN  
Filed : 10/563,417  
For : with an effective filing date of June 8, 2004  
METHOD FOR CONTROLLING AND  
REGULATING A TRANSMISSION BRAKE IN AN  
AUTOMATIC MOTOR VEHICLE  
TRANSMISSION  
Group Art Unit :  
Examiner :  
Docket : ZAHFRI P803US

The Commissioner for Patents  
U.S. Patent & Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION

I, Ludger Ronge of ZF Friedrichshafen AG, am the attorney most knowledgeable with the facts and circumstances concerning the following and hereby declare as follows:

ZF Friedrichshafen AG received a disclosure concerning the above identified application and a patent application was prepared from the same and filed in Germany on July 5, 2003 and given Patent Application No. 103 30 517.3.

This subject matter was also subsequently filed as PCT application No. EP2004/006145 on June 8, 2004, claiming priority from German Patent Application No. 103 30 517.3..

Within the 30 month term, my company instructed our U.S. agent to complete the national stage formalities of the corresponding PCT application in the United States and, upon filing this application on January 4, 2005, our U.S. agent inquired as to whether ZF Friedrichshafen AG had first obtained a foreign filing license for this subject matter in view the U.S. inventor. As no foreign license was applied for or obtained before the corresponding German and PCT applications were filed, ZF Friedrichshafen AG is now filing a Petition for Retroactive License under 37 C.F.R. § 5.25.

The subject matter for which the Petition for Retroactive License is being sought was not under a secrecy order, at the time it was filed abroad, and it is not currently under a secrecy order.

That upon discovery of the need for a foreign license, a foreign license is being diligently sought.

As the undersigned representative of ZF Friedrichshafen AG in charge of filing this subject matter, I did not appreciate that the naming of a U.S. inventor, with German inventors,

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necessitated the need to first obtain a foreign filing license from the United States Patent Office before filing this subject matter abroad, it is respectfully submitted that such foreign filing of this subject matter abroad occurred, without first obtaining the required license under § 5.11, through error and without deceptive intent.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent(s) issuing thereon.

Date:

January 25, 2006

Ludger Ronge

